

ORIGINAL

43
8/12/02
~y

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEWIS JOHNSON,
Plaintiff

v.

ANTHONY PRINCIPI, Acting Secretary of
Veterans Affairs; et al.,
Defendants

No. 1:CV-00-1873

(Judge Jones)

FILED
HARRISBURG, PA

AUG 9 2002

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

**DEFENDANTS' UNOPPOSED
MOTION FOR A ONE WEEK EXTENSION OF TIME**

Defendants, Anthony Principi, the Acting Secretary of Veterans Affairs, Rodney Kiscadden, Alice Fidler, Irvin Erickson, and Raymond Kent, by their counsel and pursuant to Fed. R. Civ. P. 6(b), request the Court to grant them a one week extension of time in which to file their reply brief in support of their motion for summary judgment and state the following in support thereof:

1. This is an employment lawsuit filed by plaintiff concerning his employment at the Lebanon Medical Center, Veteran's Administration.
2. After discovery concluded, defendants moved for summary judgment.
3. On July 29, 2002, plaintiff hand-delivered his brief opposing defendants' motion for summary judgment.
4. Defendants' reply brief in support of their summary judgment motion, therefore, is due on August 12, 2002.

5. After receiving plaintiff's brief, defense counsel was unexpectedly out of the office for two days due to a death in her family. Defense counsel also was out of the office for another few-day period due to a pre-planned trip. (This trip had been arranged and paid for prior to plaintiff seeking extensions of time to file his brief).

6. Additionally, during the past week, defense counsel has had to write a number of briefs in other cases, including a Third Circuit brief.

7. Accordingly, defendants request a one-week extension of time so that they can prepare a proper reply brief in support of their motion for summary judgment.

8. There will be no prejudice because the case is not on a trial list.

9. Defense counsel has contacted plaintiff's counsel, Andrew J. Ostrowski, Esquire, who has **concurred** in defendants' motion.

Wherefore, defendants request that this Court grant their motion for a one-week extension of time.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney



KATE L. MERSHIMER
Assistant U.S. Attorney
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108-1754
717/221-4482

Date: August 9, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEWIS JOHNSON,
Plaintiff

v.

**ANTHONY PRINCIPI, Acting Secretary of
Veterans Affairs; et al.,
Defendants**

No. 1:CV-00-1873

(Judge McClure)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.


That this 9th day of August, 2002, she served a copy of the attached

**DEFENDANTS' UNOPPOSED
MOTION FOR A ONE WEEK EXTENSION OF TIME**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States mail at Harrisburg, Pennsylvania.

Addressee:

Andrew J. Ostrowski, Esquire
4311 North Sixth Street
Harrisburg, PA 17110


KATE L. MERSHIMER
Assistant U.S. Attorney